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*Attorneys for Defendant  
SYMMETRICOM, INC.*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TODD S. GLASSEY  
and  
MICHAEL E. MCNEIL,  
Plaintiffs,  
v.  
SYMMETRICOM, INC.,  
Defendant.

CASE NO. 3:13-cv-04662 (NC)

STIPULATION AND ~~PROPOSED~~ ORDER  
TO CONTINUE CASE MANAGEMENT  
CONFERENCE AS MODIFIED.

Judge: The Honorable Nathanael Cousins  
Date: January 8, 2014  
Time: 10:00 AM  
Dept: Courtroom A, 15th Floor

WHEREAS, on October 7, 2013, Todd S. Glassey and Michael E. McNeil  
("Plaintiffs") filed the above-captioned complaint in this Court;

WHEREAS, on October 8, 2013, the Court issued an Order Setting Initial Case  
Management Conference and ADR Deadlines setting the initial case management conference for  
January 8, 2014 at 10:00 AM (Dkt. No. 5);

WHEREAS, on October 31, 2013, Symmetricom, Inc. ("Symmetricom"), agreed  
to waive service of summons and complaint in this case, and acknowledged that its answer or  
motion under Rule 12 must be filed within 60 days from October 31, 2013;

1 WHEREAS, Symmetricom intends to file a motion to dismiss all claims against it  
2 on or before December 30, 2013;

3 WHEREAS, the interests of judicial economy and efficiency would best be served  
4 by postponing the case management conference until after the Court rules upon Symmetricom's  
5 forthcoming motion to dismiss;

6  
7 IT IS THEREFORE STIPULATED AND AGREED, by and among the parties  
8 and their respective counsel of record, that:

- 9 1. The case management conference in this matter currently scheduled for  
10 to February 12, 2014 at 10:00 a.m.  
11 January 8, 2014 be continued ~~until after the Court has ruled upon~~  
12 ~~Symmetricom's forthcoming motion to dismiss.~~  
13 2. All other deadlines set forth in the Court's Order Setting Initial Case  
14 Management Conference and ADR Deadlines be continued accordingly.  
15

16 Dated: December 13, 2013

Respectfully submitted,

LATHAM & WATKINS, LLP

By: /s/ Matthew Rawlinson

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*Attorneys for Defendant*  
*SYMMETRICOM, INC.*

1 Dated: December 13, 2013

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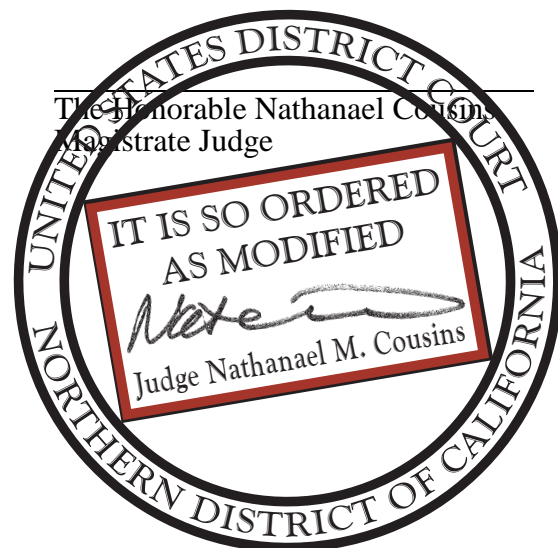
17 *Attorneys for Plaintiffs TODD S. GLASSEY*  
18 *and MICHAEL E. MCNEIL.*

19 **~~PROPOSED~~ ORDER**

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: December 16, 2013

22 The Honorable Nathanael Cousins  
23 Magistrate Judge



**ELECTRONIC CASE FILING ATTESTATION**

Pursuant to Local Rule 5-1 of the Northern District of California, I hereby attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: December 13, 2013

LATHAM & WATKINS, LLP

By: /s/ Matthew Rawlinson

Matthew Rawlinson  
*Attorney for Defendant*  
*SYMMETRICOM, INC.*